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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,472	01/15/2004	Kazuki Hayashibara	010482.53148US	4145

23911 7590 08/23/2007

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EXAMINER	
SHIBRU, HELEN	
ART UNIT	PAPER NUMBER
2621	
MAIL DATE	DELIVERY MODE
08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,472	HAYASHIBARA ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2004* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *02/09/06&01/15/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki (US Pat. No. 6,396,998) in view of Yoshinori (JP Publication No. 08-287616) further in view of Mayumi (JP Publication No 2001-126377) and further in view of Picolet.

Regarding claim 1, Nozaki discloses an optical disc apparatus comprising: an optical pickup for reading out compressed data, including compressed video data and compressed audio data, recorded in a recorded area of an optical disc (see fig. 1); a memory for storing a table of identification information for identifying kinds of the compressed data read out by the optical pickup (see figs. 1 and 8, and col. 8 lines 8-48); a demultiplexer for demultiplexing the compressed data, including compressed video data and compressed audio data, read out by the optical pickup into assorted kinds of data in accordance with the identification information stored in the memory (see fig. 1 and col. 8 lines 34-48 where it teaches audio and video pakckets are separated. MPU reads data on the management area, see col. 8 lines 15-33); a video decoder for decoding the compressed video data demultiplexed by the demultiplexer (see video decoder in fig. 1); an audio decoder for decoding the compressed audio data demultiplexed by the demultiplexer (see audio decoder in fig. 1); an output terminal for outputting the video data decoded by the video decoder and the audio data decoded by the audio decoder (see fig. 1); and a main controller for controlling the optical pickup, the memory, the demultiplexer, the video

decoder, the audio decoder and the output terminal (see main MPU in fig. 1), wherein the table of the identification information stored in the memory contains audio identification information for identifying kinds of compressed audio data (see col. 1 lines 22-29, col. 4 line 64-col. 5 line 7).

Claim 1 differs from Nozaki in that the claim further requires the audio decoder comprises plural kinds of audio decoders for respectively decoding plural kinds of compressed audio data read out by the optical pickup wherein selection out of the audio decoders is performed in a manner that the audio ' identification information contained in the compressed audio data which is' read out by the optical pickup is compared with the audio identification information in the table of the identification information stored in the memory, thereby the kind of the compressed audio data read out by the optical pickup is discriminated, and one of the audio decoders is selected in accordance with the thus discriminated kind of compressed audio data, wherein the audio decoder is absent of a DTS audio decoding function or DTS audio output function, and wherein the main controller performs such control that, m restarting a decoding process, compressed data of DTS audio is prevented from being sent to the audio decoder, thereby preventing the optical disc apparatus from becoming unable to output audio data from the output terminal.

In the same field of endeavor Yoshinori teaches multiple decoders, 403 and 404 and the system control means 109 controls the decode start time of the first audio data decode means and the second audio data decode means based on the time information of PTS (Presentation Time Stamp). The data change means switches data based on the control signal that the bit stream analysis means generated from stream ID (see paragraph 0021). Therefore in light of the

teaching in Yoshinori it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nozaki by including a plurality of audio decoders and switches the decoders based on stream ID in order to carry out predetermined actuation.

Claim 1 further differs from the proposed combination of Nozaki and Yoshinori in that the claim further requires the audio decoder is absent of DTS audio decoding or DTS audio output function and that compressed data of DTS audio is prevented from being sent to the audio reproduction means.

In the same field of endeavor Mayumi discloses an audio decoder is absent of DTS audio decoding or DTS audio output function (see paragraphs 0004-0010). Mayumi further discloses when a DTS disk is played in CD player which is not DTS correspondence, a noise will appear. Therefore in light of the teaching in Mayumi it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Nozaki and Yoshinori by including no DTS decoder function and preventing from being sent to the audio decoder in order to distinct DTS disk.

Claim 1 further differs from the above proposed combinations of Nozaki, Yoshinori, and Mayumi in that the claim further requires restarting a decoding process as cited in claim 1.

In the same field of endeavor Picolet discloses creating stream identifiers or access the appropriate table from storage (see page 10 line 8 to page 11 line 4). Picolet further discloses selection is performed based on the form of identifier. See also claims 10-17. Therefore in light of the teaching in Picolet it would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the proposed combinations of Nozaki, Yoshinori, and Mayumi by including restarting in order to carry alternative sound tracks.

Regarding claim 2, Picolet discloses in restarting the reproduction process, the main controller performs such control as to extract, from the compressed audio data read out by the optical pickup, the same kind of compressed audio data as that decoded in a preceding decoding process, and to send the extracted compressed audio data to the audio decoder (see page 10 line 8 to page 11 line 4 and claims 10-17. See also claim 1 rejection above).

Regarding claim 3, Mayumi discloses absent of the DTS audio decoding function or DTS audio output function, wherein, in stopping a preceding reproduction process, the memory means stores audio identification information corresponding to the kind of audio having been reproduced in the preceding reproduction process, and wherein, in restarting the reproduction process, the demultiplexer is so controlled by the main controller as to extract, from the compressed audio data read out by the optical pickup, compressed audio data having the same audio identification information that the memory stores, and to send the extracted compressed audio data to the audio decoder (see paragraphs 0004-0010. See also claim 1 rejection above).

Regarding claim 4, Yoshinori teaches the audio identification information comprises an entirety of a stream identifier and a part of a substream identifier (see paragraph 0021. See also claim 1 rejection above).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
August 14, 2007

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